S.B. CIVIL TRANSFER PETITION NO.10/2005

Smt.Deepali vs. Manoj Kumar

Date : 26.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. HM Saraswat, for the petitioner.
None present for the respondent despite service.

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Heard learned counsel for the petitioner.

The petitioner, wife of respondent, has filed this application for transfer of the Petition which has been filed by the respondent under Section 9 of the Hindu Marriage Act and which is pending before the Family Court, Ajmer.

According to petitioner, she is residing at Jodhpur and the petition has been filed by the respondent at Ajmer which is 200 kms. from the place of petitioner's residence. The petitioner submitted that she has already lodged a report at P.S. Mahila, Jodhpur under Sections 498A and 406 IPC and investigation was going on and now challan has been filed, therefore, the petitioner's apprehension is well founded about the possibility of harm to the petitioner.

It is also submitted by learned counsel for the petitioner that the petitioner is not in position to contest the case at such distant place.

No body appeared on behalf of the respondent to oppose the said application.

After going through the facts of the case, this Court deems it proper to allow transfer of the petition filed by the respondent.

Accordingly, this transfer petition is allowed, the petition no.414/2004 (Manoj Kumar vs. Smt. Deepali) pending in Family Court, Ajmer is withdrawn from that court and is hereby transferred to the Family Court, Jodhpur for disposal in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya